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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

2011 MAY 25 PM 3:12
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

V.

**AHMAD HUSSEIN KHALIL, (1),
AND,
JESSICA DEVINA SAENZ, (2),**

Defendants.

§ CRIMINAL NO.

§ **SAT11CR0424**

§ **INDICTMENT**

§

§ [Violation: 18 U.S.C. §§ 1349 & 1344,

§ Conspiracy to Commit Bank Fraud -

§ Count 1; and Notice of United States

§ of America's Demand for Forfeiture.]

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§

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THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. §§ 1349 & 1344]

1. **AHMAD HUSSEIN KHALIL** was the owner of two businesses in the Western District of Texas: Prestige Imports, Inc. in San Antonio, Texas and Lotus of Austin, Inc. in Austin, Texas.

2. **Defendant KHALIL** employed **Defendant JESSICA DEVINA SAENZ** who performed a variety of business tasks for **Defendant KHALIL**.

3. **Defendant KHALIL** secured a Floor Plan Line of Credit for Prestige Imports and for Lotus of Austin from Sterling Bank in San Antonio, Texas, a bank insured by the Federal Deposit Insurance Corporation.

4. The terms of the Floor Plan Line of Credit allowed **Defendant KHALIL** to get monetary advances based on the lesser of a vehicle's actual purchase price or NADA Trade Value. Advances required a completed Advance Request presented to the bank along with the

vehicle title and any supporting documentation ensuring negotiability of the title and proof of purchase such as an auction receipt or other form of sales receipt.

5. The **Defendants** defrauded the bank by presenting inflated purchase prices when they presented titles and purchase orders for financing.

6. **Defendant KHALIL** also sold two vehicles out of trust.

7. **Defendant KHALIL** profited and attempted to profit by inflating the purchase price of 52 vehicles and selling two vehicles out of trust for and receiving over \$1,291,000 from the bank for which he was not entitled thereby defrauding Sterling Bank.

THE CONSPIRACY AND ITS OBJECTS

From on or about January 23, 2008, to on or about July 15, 2008, in the Western District of Texas, the Defendants,

AHMAD HUSSEIN KHALIL,
and,
JESSICA DEVINA SAENZ,

knowingly and willfully conspired and agreed together and with each other, to devise a scheme or artifice to obtain monies owned by and under the custody and control of Sterling Bank, San Antonio, Texas, by means of materially false and fraudulent pretenses and representations.

MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that the defendants devised a scheme and artifice to defraud and to obtain money and funds by means of false pretenses and representations that the Defendants presented materially false and fraudulently inflated purchase prices, both orally and in written documentation, when the Defendants presented titles and purchase orders for financing vehicles and also by selling vehicles out of trust.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Texas:

Overt Act	Purchase Price	Date Floored	Amount Advanced	Difference Btwn Purchase Price & Amount Advanced
1	\$0.00	04/28/2008	\$165,000.00	\$165,000.00
2	\$22,400.00	01/23/2008	\$25,000.00	\$2,600.00
3	\$17,995.00	04/10/2008	\$18,195.00	\$200.00
4	\$6,700.00	05/05/2008	\$16,585.00	\$9,885.00
5	\$5,300.00	05/05/2008	\$15,465.00	\$10,165.00
6	\$6,900.00	05/05/2008	\$17,065.00	\$10,165.00
7	\$5,400.00	05/05/2008	\$15,530.00	\$10,130.00
8	\$4,000.00	05/05/2008	\$14,120.00	\$10,120.00
9	\$7,300.00	05/08/2008	\$17,560.00	\$10,260.00
10	\$9,900.00	05/08/2008	\$10,175.00	\$10,275.00
11	\$9,000.00	05/08/2008	\$19,275.00	\$10,275.00
12	\$14,000.00	05/08/2008	\$24,300.00	\$10,300.00
13	\$10,000.00	05/13/2008	\$25,205.00	\$15,205.00
14	\$5,100.00	05/13/2008	\$15,280.00	\$10,180.00
15	\$18,500.00	06/11/2008	\$69,400.00	\$50,900.00
16	\$17,500.00	06/11/2008	\$68,400.00	\$50,900.00
17	\$28,000.00	06/12/2008	\$88,800.00	\$60,800.00
18	\$12,200.00	06/12/2008	\$33,200.00	\$21,000.00
19	\$16,400.00	06/12/2008	\$47,200.00	\$30,800.00
20	\$19,500.00	06/12/2008	\$50,400.00	\$30,900.00

Overt Act	Purchase Price	Date Floored	Amount Advanced	Difference Btwn Purchase Price & Amount Advanced
21	\$21,600.00	06/12/2008	\$72,500.00	\$50,900.00
22	\$18,500.00	06/20/2008	\$38,800.00	\$20,300.00
23	\$18,750.00	06/27/2008	\$79,075.00	\$60,325.00
24	\$5,100.00	04/10/2008	\$10,235.00	\$5,135.00
25	\$10,000.00	04/14/2008	\$15,175.00	\$5,175.00
26	\$15,000.00	05/05/2008	\$25,290.00	\$10,290.00
27	\$21,400.00	05/05/2008	\$31,725.00	\$10,325.00
28	\$14,800.00	05/05/2008	\$25,080.00	\$10,280.00
29	\$2,550.00	05/15/2008	\$12,740.00	\$10,190.00
30	\$13,200.00	05/15/2008	\$23,400.00	\$10,200.00
31	\$11,800.00	05/15/2008	\$22,000.00	\$10,200.00
32	\$7,100.00	05/15/2008	\$17,265.00	\$10,165.00
33	\$3,700.00	05/27/2008	\$13,855.00	\$10,155.00
34	\$13,000.00	05/27/2008	\$33,185.00	\$20,185.00
35	\$11,200.00	05/27/2008	\$27,375.00	\$16,175.00
36	\$13,600.00	05/30/2008	\$14,400.00	\$800.00
37	\$12,000.00	06/05/2008	\$32,290.00	\$20,290.00
38	\$12,375.00	06/05/2008	\$33,000.00	\$20,625.00
39	\$11,800.00	06/05/2008	\$32,700.00	\$20,900.00
40	\$6,000.00	06/05/2008	\$26,320.00	\$20,320.00
41	\$12,700.00	06/05/2008	\$32,990.00	\$20,290.00
42	\$6,000.00	06/09/2008	\$17,500.00	\$11,500.00
43	\$11,500.00	06/09/2008	\$24,500.00	\$13,000.00
44	\$6,100.00	06/12/2008	\$36,320.00	\$30,220.00

Overt Act	Purchase Price	Date Floored	Amount Advanced	Difference Btwn Purchase Price & Amount Advanced
45	\$8,100.00	06/12/2008	\$28,335.00	\$20,235.00
46	\$5,700.00	06/12/2008	\$25,920.00	\$20,220.00
47	\$5,400.00	06/12/2008	\$35,620.00	\$30,220.00
48	\$7,900.00	06/12/2008	\$38,120.00	\$30,220.00
49	\$7,400.00	06/13/2008	\$27,660.00	\$20,260.00
50	\$16,500.00	06/27/2008	\$56,825.00	\$40,325.00
51	\$10,500.00	06/27/2008	\$40,700.00	\$30,200.00
52	\$14,800.00	07/03/2008	\$59,800.00	\$45,000.00

All contrary to Title 18, United States Code, Section 1344(2) and in violation of Title 18, United States Code, Section 1349.

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

I.

Forfeiture Statutes Relating to Conspiracy and Bank Fraud

[Title 18 U.S.C. §§ 1349 and 1344, subject to forfeiture pursuant to Title 18 U.S.C. § 982(a)(2)(A). See Fed. R. Crim. P. 32.2]

As a result of the foregoing criminal violations as set forth in Count One, which are punishable by imprisonment for more than one year, the United States gives notice that it intends to forfeit real and personal properties from **Defendant AHMAD HUSSEIN KHALIL**. Said Defendant shall forfeit all right, title and interest in any real and personal properties to the United States pursuant to Title 18 U.S.C. § 982(a)(2)(A), which states the following:

Title 18 U.S.C. § 982.

(a)(2) The court, in imposing sentence on a person convicted of a violation of,
or a conspiracy to violate –
(A) section ... 1344 ... of this title, affecting a financial institution, ... shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

II.

Money Judgment

As a result of the foregoing criminal violations as set forth in Count One,

Defendant AHMAD HUSSEIN KHALIL shall forfeit to the United States pursuant to

Title 18 U.S.C. § 982(a)(2)(A), the following described Money Judgment:

A sum of money equal to the amount of proceeds obtained directly or indirectly as a result of the violations set out in Count One, less the amount paid in restitution..

III.

Substitute Assets

[Title 18 U.S.C. § 982(a)(2)(A). *See* Title 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2]

If the money judgment described above as being subject to forfeiture for violations of Title 18 U.S.C. §§ 1349 and 1344, and subject to forfeiture pursuant to Title 18 U.S.C.


§ 982(a)(2)(A), as a result of any act or omission of **Defendant AHMAD HUSSEIN**

KHALIL:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

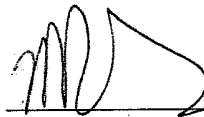
it is the intent of the United States of America to seek forfeiture of any other property owned by said Defendant, up to the value of the money judgment, pursuant to Title 18 U.S.C. § 982(a)(2)(A). *See* Title 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2.

A TRUE BILL.


FOREPERSON OF THE GRAND JURY

JOHN E. MURPHY
UNITED STATES ATTORNEY

BY:



MARK T. ROOMBERG
Assistant United States Attorney